

COUNCIL AGENDA

November 3, 2015
Public Session Tuesday, 3:30 p.m.
Council Chambers, First Floor, City Hall
125 North Main Street
Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (October 20, 2015)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. W. Boyd RESOLUTION thanking Pat Kerr Tigrett for her outstanding service to this community and the homage she paid to Memphis music as the founder and general manager of The Blues Ball.

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS (None)

DIVISION OF PLANNING AND DEVELOPMENT

2. RESOLUTION approving a special use permit located on the northeast corner of Collins Jackson Avenue and N. Front Street, containing 1.07 acres in the Mixed Use (MU) Chairman, District. This resolution is sponsored by the Office of Planning and Development. Planning & Case No. SUP 15-213 Zoning Committee

Applicant: Front Street Group, LLC

Brenda Solomito Basar – Representative

Request: Allow an extended stay hotel and retail component

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

3.
Collins
Chairman,
Planning
Zoning
Committee

RESOLUTION approving a special use permit located at 2876 Lamar Avenue, on the southeast corner of Lamar Avenue (U.S. Highway 78) and Dunn Alley, containing 1.92 acres currently governed by vacant land in the Commercial Mixed Use-3 (CMU-3) District. This resolution is sponsored by the Office of Planning and Development.

Case No. SUP 15-218

Applicant: Vista Lamar Hospitality, LLC – Jatin Kumar

SR Consulting, LLC – Cindy Reaves – Representative

Request: Establish a 40 room hotel with a conference room and pool

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

4.
Collins
Chairman,

RESOLUTION approving a special use permit located at 5715 Mt. Moriah Road, containing .92 acre in the Commercial Mixed Use (CMU-1) District. This resolution is sponsored by the Office of Planning and Development.

Planning & Zoning Committee

Case No. SUP 15-219

Applicant: Barton GST Trust

Forrest Owens, ETI – Representative

Request: Allow indoor sales and display of motorcycles and ATV's

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCES – THIRD AND FINAL READING

5.
Collins
Chairman,
Planning &
Zoning
Committee

ORDINANCE amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis on August 10, 2010 and by Shelby County on August 9, 2010, as amended, to revise and enhance the Joint Zoning and Subdivision Regulations as recommend by the Memphis and Shelby County Office of Planning & Development and the Land Use Control Board. This text amendment affects all property within the City of Memphis and unincorporated Shelby County, up for T H I R D and F I N A L reading. This ordinance is sponsored by the Office of Planning and Development.

Case No. ZTA 15-003cc Ordinance No. 5603

Applicant: Memphis and Shelby County Office of Planning and Development

Josh Whitehead, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified

Development Code

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

6.
Collins
Chairman,
Planning &
Zoning
Committee

ORDINANCE rezoning the northeast corner of St. Jude Place and Danny Thomas Overpass, containing 4.88 acres in the HDR (High Density Residential) zoning district, up for T H I R D and F I N A L reading. This ordinance is sponsored by the Office of Planning and Development.

Case No. Z 15-105 Ordinance No. 5604

Applicant: St. Jude/ALSAC

Sara Hall – Representative

Request: Reclassify the property from the HDR (High Density Residential)

zoning district to the ULI (Urban Light Industrial) zoning district

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES WERE MAILED ON OCTOBER 23, 2015

7.
Collins
Chairman,
Planning &
Zoning
Committee

ORDINANCE rezoning 148, 150, 155 and 156 N. Tucker Street, containing 0.848 acre in the RU-3 Zoning District, up for T H I R D and F I N A L reading. This ordinance is sponsored by the Office of Planning and Development.

Case No. Z 15-106 Ordinance No. 5605

Applicant: Memphis College of Art

Nathan Bicks, Burch Porter Johnson - Representative

Request: Reclassify the property from the RU-3 (Residential Urban) zoning

district to the CMP-1 (Campus Master Plan) zoning district

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

84 NOTICES WERE MAILED ON OCTOBER 23, 2015



COUNCIL AGENDA

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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

8.
Hedgepeth
Chairman,
Public Works &
Transportation
Committee

ORDINANCE to amend Division 2, Section 2-291, "Real Property – Sale Generally" to add a subsection creating a Mow to Own Program, up for S E C O N D reading. Ordinance No. 5606 is sponsored by Councilman Berlin Boyd.

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

9. RESOLUTION accepting BAPTIST MEMORIAL HOSPITAL, PHASE 5, DRAINAGE IMPROVEMENTS and authorizing release of bond.

Case No. PD 82-016 (Contract No. CR-5147)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southside of Walnut Grove, east of I-240. The standard improvement contract was approved October 6, 2009. Resolution also authorizes the release of the Performance Bond in the amount of \$250,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. **NOTATIONS FROM OPD**

NOTATIONS from the Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. <u>Case No. PD 15-319</u> – M.I.A. Rental Car Facility (Companion Cases: SAC 15-617, SAC 15-618, SAC 15-619, SAC 15-620 & SAC 15-621)

Located at 3672 Airways Boulevard, containing 48.0 acres in the R-6 District.

Applicant: Memphis-Shelby County Airport Authority

Homer Branan – Representative

Request: Allow a rental car service facility with five (5) SAC'S within an

R-6 zoning

LUCB and OPD recommendation: APPROVAL, with conditions

B. <u>Case No. PD 15-322</u> – Houston Levee Trails

Located on the southeast corner of U.S. Highway 64 and North Houston Levee Road, containing 4.1 acres in an area currently governed by vacant land in the Conservation Agriculture (CA) District.

Applicant: First Alliance Bank

SR Consulting, LLC - Cindy Reaves - Representative

Request: Amend P.D. 11-309 to allow additional uses of convenience store

with gas pumps and hotel/motel to be allowed in the amendment

area and removal of the maximum floor area ratio for the

amendment area in Area A

LUCB and OPD recommendation: APPROVAL, with conditions

C. <u>Case No. PD 15-323</u> – Graceland-West P.D.

Located on the northwest side of Elvis Presley Boulevard and Craft Road, containing 45.44 acres in the Residential Urban (RU-3) and Commercial Mixed Use (CMU-1, CMU-2 and CMU-3) Districts.

Applicant: Elvis Presley Enterprises, Inc.

Glankler-Brown, PLLC – Representative

Request: Allow an entertainment complex with associated accessory

structures and uses, including limited Commercial Mixed Use

(CMU-3) District land uses

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LUCB and OPD recommendation: APPROVAL, with conditions

D. <u>Case No. PD 15-324</u> – Massey Green P.D.

Located on the northeast corner of West Massey Road and Massey Estates Cove, containing 5.33 acres in the Single-Family Residential (R-15) District.

Applicant: Massey Green Developer, LLC

The Renaissance Group – Representative

Request: 14 lots for single-family dwellings

LUCB and OPD recommendation: APPROVAL, with conditions

E. <u>Case No. SAC 15-617, SAC 15-618, SAC 15-619, SAC 15-620 & SAC 15-621</u> (Companion Case: PD 15-319)

Located at 3672 Airways Boulevard in the R-6 District.

Applicant: Memphis-Shelby County Airport Authority

Homer Branan – Representative

Request: Allow a rental car service facility with five (5) SAC'S within an

R-6 zoning

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 17, 2015

GENERAL ITEM (None)



COUNCIL AGENDA November 3, 2015 Public Session Tuesday, 3:30 p.m. Council Chambers, First Floor, City Hall 125 North Main Street Memphis, Tennessee 38103-2017

FISCAL CONSENT AGENDA

11. Conrad Chairman, Public Safety Committee RESOLUTION accepting grant funds in the amount of \$5,000.00 for FY 2016 High Visibility Enforcement from the Governor's Highway Safety Office (GHSO) through the Tennessee Department of Transportation. This resolution is sponsored by Police Services.

ACTION REQUESTED: Adopt the resolution

12. Conrad Chairman, Public Safety Committee RESOLUTION accepting grant funds in the amount of \$15,126.00 for Network Coordinator from the Governor's Highway Safety Office (GHSO) through the Tennessee Department of Transportation. This resolution is sponsored by Police Services.

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

- 13. RESOLUTION awarding Contract No. 11797, Line Clearance Minor, to Asplundh Tree Expert Company, in the funded amount of \$3,393,787.77. (Held from 10/20)
- 14. RESOLUTION granting MLGW the authority to purchase fuel from Petroleum Traders, via a combined fuel contract solicited and executed by the City of Memphis, on behalf of Memphis Light, Gas and Water Division and the City of Memphis.
- 15. RESOLUTION awarding a contract to Summit Truck Group, for the purchase of hydraulic truck cranes, in the amount of \$480,265.00.
- 16. RESOLUTION awarding Contract No. 11841, Professional Engineering Services for Central Support Services, to CCS Group, Incorporated, based on approved rates, in the funded amount not-to-exceed \$50,000.00.
- 17. RESOLUTION awarding Contract No. 11840, Professional Engineering Services for Central Support Services, to Thompson Engineers, Incorporated, based on approved rates, in the funded amount not-to-exceed \$75,000.00.
- 18. RESOLUTION awarding Contract No. 11562, Professional Design Services for Central Support Services, to Smith Seckman Reid, Incorporated (SSR), based on approved rates, in the funded amount not-to-exceed \$100,000.00.
- 19. RESOLUTION awarding Contract No. 11560, Professional Design Services for Fabrication and Repair Shop Design, to The Crump Firm, Incorporated, based on approved rates, in the funded amount not-to-exceed \$1,300,000.00.
- 20. RESOLUTION approving Change Order No. 2 to Contract No. 11640, Line Clearance, with ABC Professional Tree Services, in the funded amount of \$2,940,080.20. (This change is needed to replenish contract funds used to maintain the trim cycle during the absence of the other line contract.)
- 21. RESOLUTION approving Contract No. 11844, Interlocal Agreement between Memphis Light, Gas and Water Division of the City of Memphis, Tennessee and the Shelby County Government on behalf of the Town of Collierville, Tennessee for Sewer Billing services in Shelby County, Tennessee for addresses located in the Cotton Creek Area, which includes the subdivisions of Kirkland Estates, Cotton Creek and Fox Hollow Farms (Phases I and II) in Shelby County, Tennessee.

22. RESOLUTION approving Change No. 1 to Contract No. 11609, Maintenance of MLGW Voice Network Services, with Black Box Network Services, in the funded amount of \$31,400.00. (This change is to add the PBX Operator's Console to this contract, which provides maintenance and support services for MLGW's voice network. The maintenance and support services for the PBX Console with Black Box provided under Contract No. 11442 will end on December 31, 2015. This change is needed to align the PBX Console's support and maintenance services through December 31, 2019.)

- 23. RESOLUTION approving Change No. 2 to Contract No. 11483, 10 MBPS Metro Ethernet for MLGW Capleville Plant, with AT&T, in the funded amount of \$10,800.00. (This change is to renew the current contract for annual software maintenance, license, and support services for the second and final renewal term covering the period December 1, 2015 through November 30, 2016, with no increase in rates from the previous year.)
- 24. RESOLUTION awarding a contract to GE Grid Solutions, LLC, for remote terminal units, in the amount of \$602,133.58.
- RESOLUTION approving Change No. 12 to Contract No. 10332, ABB Software Maintenance, with ABB Power Training and Development Company, Incorporated, in the funded amount of \$1,000,484.00. (This change is to renew annual software maintenance, licenses, and support services for the NM/DMS Software covering the period January 1, 2015 through December 31, 2019 in the funded amounts of \$230,422.00 for 2015, \$186,835.00 for 2016, \$190,572.00 for 2017, \$194,384.00 for 2018, and \$198,271.00 for 2019. MLGW has neither received services from ABB nor paid for services provided by ABB during this calendar year. This renewal includes the addition of DMS, SCADA, and ICCP software components for better monitoring and analysis of the downtown network and a one-time license fee for the TIBCO licenses and maintenance fees for the NM/DMS upgrade previously provided under Contract No. 11625. By taking advantage of the five-year defined fixed cost, MLGW receives a \$100,000.00 savings for this renewal term.)
- 26. RESOLUTION amending the unit prices in Purchase Order Number 149289 to Howard Industries, Inc., and to Purchase Order Number 149294 to ERMCO c/o Utility Sales Agency, for single-phase pole type distribution transformers, with no increase in the contract value.
- 27. RESOLUTION awarding Contract No. 11777, Third Party Administrator for Workers' Compensation, to Brentwood Services Administrators, Incorporated, in the funded amount of \$125,000.00.
- 28. RESOLUTION awarding a contract to Thomas Consultants, Inc., for computer hardware, in the amount of \$128,296.80.
- 29. RESOLUTION awarding a contract to Venture Technologies, for wireless network expansion, in the amount of \$54,547.30.
- 30. RESOLUTION approving the award of Contract No. 11794, Security Services, to Dynamic Security, Incorporated, in the funded amount of \$2,487,929.72.



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REGULAR AGENDA

GENERAL ORDINANCE - THIRD AND FINAL READING

31. **ORDINANCE** to amend Chapter 28, Article VII, City of Memphis Code of Ordinances, establishing the Civilian Law Enforcement Review Board, up for

Vice-Chairman, THIRD and FINA L reading. Ordinance No. 5586 is sponsored by Councilwoman

Personnel & Halbert. (Held from 5/19; 6/2; 7/7; 8/4)

Intergovern-

mental Committee ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

32. RESOLUTION amending the FY16 Capital Improvement Budget by transferring an allocation and appropriating \$107,542.30 in G.O. Bonds from the HSIP Cover Line, Project Number EN01067 to the Airways at Ketchum Safety Improvement Public Works & Project, Project Number PW01242 for local match requirements. This resolution is sponsored by Engineering.

ACTION REQUESTED: Adopt the resolution

RESOLUTION amending the FY16 Capital Improvement Budget by transferring an allocation and appropriating \$22,000.00 in G.O. Bonds from the HSIP Cover Line, Project Number EN01067 to the Perkins Road at Perkins Extended Safety Improvement Public Works & ment Project, Project Number PW01250 for local match requirements. This resolution is sponsored by Engineering.

ACTION REQUESTED: Adopt the resolution

RESOLUTION amending the FY16 Capital Improvement Budget by transferring an allocation and appropriating \$47,379.00 in G.O. Bonds from the HSIP Cover Line, Project Number EN01067 to the S. Perkins at Old Lamar Safety Improvement Project, Project Number PW01217 for local match requirements. This resolution is sponsored by Engineering.

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION amending the FY 2016 Capital Improvement Budget by accepting \$281,814.40 in grant funds from the Tennessee Board of Regents and establishing funding for EN01069, Traffic Signal Improvements, to the intersection of Park Public Works & Avenue at Goodlett Street. This resolution is sponsored by Engineering.

Transportation

Committee ACTION REQUESTED: Adopt the resolution

36. RESOLUTION amending the FY 2016 Engineering Operating Budget to transfer \$200,000.00 from reserve funds to the Division of Engineering Operating Budget for construction associated with the Sidewalk Assistance Program for concrete sidewalk Public Works & repair. This resolution is sponsored by Engineering.

Transportation

Committee ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION

RESOLUTION accepting up to \$45,000.00 (Misc. Revenue), paid by outside agencies hosting VISTA members for a portion of the cost (\$3,500.00 per member annually) of the City of Memphis AmeriCorps VISTA Program (up to \$70,056.00). This resolution is sponsored by the Executive Division.

ACTION REQUESTED: Adopt the resolution

RESOLUTION accepting the U.S. Small Business Administration (SBA) Startup in A Day Start Small Prize in the amount of \$50,000.00 and that these funds be disbursed to Memphis Bioworks Foundation to begin development of EPIcenter's SMART START One Stop Shop online for business licensing and permitting. This resolution is sponsored by the Executive Division.

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

<u>DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT</u> (None)

DIVISION OF HUMAN RESOURCES

39. RESOLUTION to approve an increase of the City Attorney's Office Authorized Complement to take effect upon the approval of the minutes. This resolution is sponsored by the Law Division. (Held from 4/7; 4/21; 5/5; 5/19; 7/7; 9/1)

Personnel &

Intergovernmental

Committee ACTION REQUESTED: Adopt the resolution

40.
Crone
Chairman,
Personnel
Committee

RESOLUTION supporting the State of Tennessee Bill which establishes TBI jurisdiction for officer involved shootings and increases death benefits from the State of Tennessee for officers killed in the line of duty from \$25,000 to \$100,000. This resolution is sponsored by Councilman Edmund Ford, Jr.

ACTION REQUESTED: Adopt the resolution

<u>INFORMATION SERVICES</u> (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARKS AND NEIGHBORHOODS (None)

DIVISION OF POLICE SERVICES

41.
Conrad
Chairman,
Public Safety
Committee

RESOLUTION accepting grant funds in the amount of \$108,384.00 for FY 2016 Comprehensive Alcohol Risk Reduction (C.A.R.D.) from the Governor's Highway Safety Office (GHSO) through the Tennessee Department of Transportation. This resolution is sponsored by Police Services.

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

This resolution is sponsored by Public Works.

42. RESOLUTION providing grant funding to Freedom From Unnecessary Negatives,
Hedgepeth (F.F.U.N.), a 501 (c) (3) organization in the amount of \$150,000.00 for the
Chairman, implementation of a Clean Pathways initiative to address issues such as blight, litter and illegal dumping around schools and to reduce poverty and crime within the city limits.

Transportation Committee

ACTION REQUESTED: No recommendation

43. RESOLUTION transferring and appropriating construction funds in the amount of \$383,490.00 for City owned property sidewalk replacement, Project Number PW04112. This resolution is sponsored by Public Works.

Public Works & Transportation

Committee

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION transferring and appropriating construction funds in the amount of \$2,598,452.00 for Asphalt Paving Resurfacing Group 2, Project Number PW04105. This resolution is sponsored by Public Works.

Public Works & Transportation

Committee ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

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ADD-ONS

45. RESOLUTION approving an annual salary in the amount of \$108,555.20, for

Crone

an Attorney 3 position. This resolution is sponsored by MLGW.

Chairman,

ACTION REQUESTED: Adopt the resolution Personnel &

Intergovernmental Committee

46. RESOLUTION instructing the Council Records Office to present the Minutes of the

Collins City Council's August 18, 2015 rejection of PD 15-307 to the Council on Chairman, November 3, 2015, which will allow the Council to approve said Minutes on Planning & November 17, 2015 or to take any other action that the Council deems appropriate.

Zoning This resolution is sponsored by Councilman Harold Collins.

Committee

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION extending the moratorium on the issuance of building permits in and Collins surrounding the Pinch District, with the exception of St. Jude and its properties, for an Chairman, additional 90 days. This resolution is sponsored by Councilman Berlin Boyd.

Planning &

Zoning **ACTION REQUESTED:** Adopt the resolution

Committee

48. RESOLUTION accepting grant funds in the amount of \$419,932.00 from the State Halbert of Tennessee Department of Labor and Workforce Development Division for WIA Chairman, Title I Dislocated Worker Program. This resolution is sponsored by Workforce

Economic Development.

Development

ACTION REQUESTED: Adopt the resolution Committee

49. RESOLUTION accepting grant funds in the amount of \$237,471.00 from the State Halbert of Tennessee Department of Labor and Workforce Development for the WIA Title I Chairman. Adult. This resolution is sponsored by Workforce Development.

Economic

Development **ACTION REQUESTED:** Adopt the resolution

Committee

50. RESOLUTION to accept the Small Business Administration Start Up in a Day Halbert \$50,000.00 prize, to build a single online portal, where entrepreneurs can make Chairman. application and payments for all necessary business license and permits. This

Economic resolution is sponsored by Executive Division.

Development

ACTION REQUESTED: Committee Adopt the resolution <u>November 3, 2015</u> <u>Page 16</u>

ADD-ONS CONT.

51. RESOLUTION authorizing establishment of the Blight Authority of Memphis, Inc.,

Lowery (BAM). This resolution is sponsored by Councilman Berlin Boyd.

Chairman,

Executive Session ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved

- 2. Held until December 15, 2015
- 3. Through 9 Approved
- 10. Public Hearing Set for November 17, 2015
- 11. Through 29 Approved
- 30. Sent Back to Committee for November 17, 2015
- 31. Approved, as amended
- 32. Through 37 Approved
- 38. Dropped
- 39. Held until November 17, 2015
- 40. Through 51 Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF OCTOBER 20, 2015 MEETING

Approved

ACTION TAKEN BY COUNTIL ON THE MINUTES OF ITEMS #45, #47, #48, #49 & #50 FROM TONIGHT'S MEETING

Approved